

recitation of the phrase "a second medium". Claim 51 depends from claim 27 and, as the Examiner notes, claim 27 does not recite a "first medium". Accordingly, claim 27 provides no context for a "second medium". The Examiner further asserts that it is unclear what the metes and bounds of the term "medium" are.

Claims 25-42, 44 and 48-50 are rejected under 35 USC § 103(a) as unpatentable over Vary et al in view of Hanson. Claims 25-50 are rejected under 35 USC § 103(a) as unpatentable over Vary in view of Hanson and further in view of Rabbani. Claims 51-54 are rejected under 35 USC 103(a) as unpatentable over Vary et al in view of Hanson. Applicants traverse the rejections and have filed a Notice of Appeal to appeal certain of these rejections.

However, as the Examiner has indicated that claims 53-54 as amended herein and new claims 55-66 are patentable, entry of the Amendment will remove claims 51-54 from consideration in the appeal. Thus, entry of the amendment will advance those claims toward allowance and simplify the issues to be considered on appeal. Accordingly, Applicants request entry of the Amendment.

The Amendment amends pending claims 53-54 and adds new claims 55-66. Applicants submit and the Examiner has agreed that the amendment overcomes the rejections to pending claims 51-54.

Applicants submit that claims 53-66 are in condition for allowance and need not be considered in Applicants' pending appeal of the remaining pending claims. Accordingly, Applicants request entry of the Amendment.

Respectfully submitted,
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